



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: July 8, 2004

Expiration Date: August 9, 2004

Corps of Engineers Action ID: 200400401

Oregon Department of State Lands Number: 32516-FP

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Susan M. Sturges)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Oregon Department of Transportation (ODOT)
3012 Island Avenue
La Grande, Oregon 97850

Location: Highway 97 crossings of Barkley Springs and Algoma Log Pond near Upper Klamath Lake, five miles north of Klamath Falls, Sections 6, 12, 13, and 24; Township 37 South, Range 8 East and 9 East, Klamath County, Oregon

Project Description: ODOT proposes to: 1) remove and replace the Barkley Springs bridge, 2) improve intersections at North Algoma Road and Highway 97 and the entrance to Hagelstein Park at Barkley Springs and widen roadside shoulders, and 3) perform fish enhancement in the channel northwest of the Barkley Springs Bridge. The project will affect approximately 1.03 acres of wetlands. Two proposed culvert crossings for an intersection improvement will impact 0.14 acre of jurisdictional irrigation canals. ODOT proposes 1.3 acres of fill in the Barkley Springs outlet channel for the fish enhancement project. ODOT will also replace the Algoma Log Pond Bridge on the south end of the project, however no work in waters of the U.S. is proposed for this action.

ODOT proposes to compensate for the loss of wetlands by creating 1.63 acres of wetlands adjacent to the Lost River near the town of Olene. If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: The project purpose is to improve unsafe conditions and bring the roadway up to current Association of State Highway Transportation Official (AASHTO) design standards. The project will alleviate hazards to the traveling public by upgrading narrow shoulder widths, replacing two obsolete bridges, and improving county road intersections on Highway 97. As part of the shoulder widening at the Barkley Springs bridge approach, ODOT proposes to enhance the channelized section of Barkley Springs downstream of the bridge to improve larval and juvenile habitat for suckers and passage for subadult and adult suckers. The enhancement project is related to a U.S. Fish and Wildlife biological opinion (BO) issued for the project.

Drawings: See 12 attached drawings labeled Public Notice 200400401.

Additional Information: Additional information may be obtained from Ms. Susan M. Sturges, Project Manager, U.S. Army Corps of Engineers at (503) 808-4381.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Coastal Zone Management Act Certification: Project occurs outside of the state's coastal zone and is not subject to Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3).

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) was completed for the project by the Federal Highways Administration (FHWA). Conditions of the BO will be incorporated as conditions of the permit, if issued.

Cultural Resources: An initial evaluation of the proposed project area indicates that a historic property is located in the vicinity of the project. The State Historic Preservation Office (SHPA) has already provided concurrence the project will not adversely affect a historic property. According to ODOT, extensive coordination has occurred with the Klamath tribe. This notice has been provided to the SHPO, interested Native American Indian Tribes, and other interested

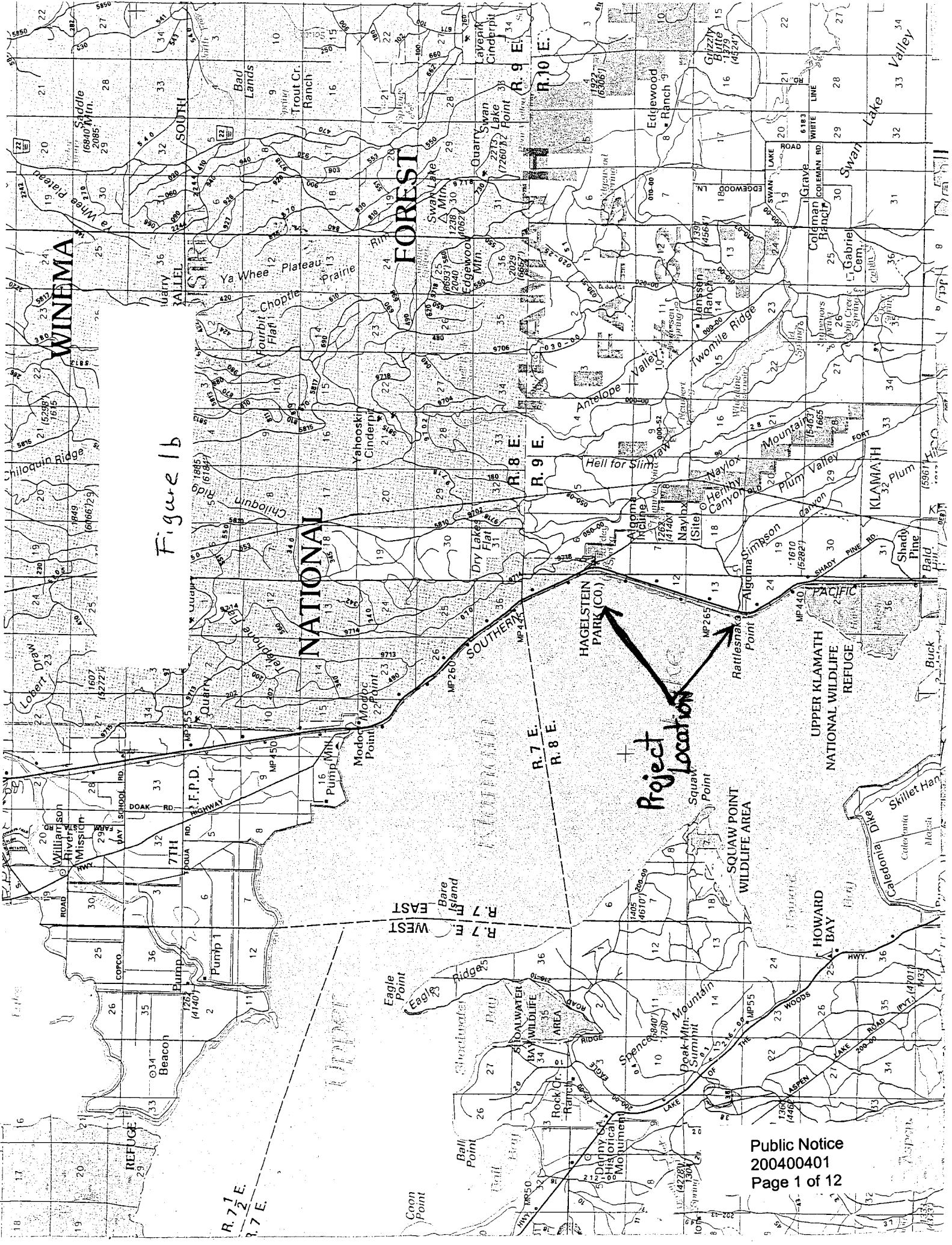
parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

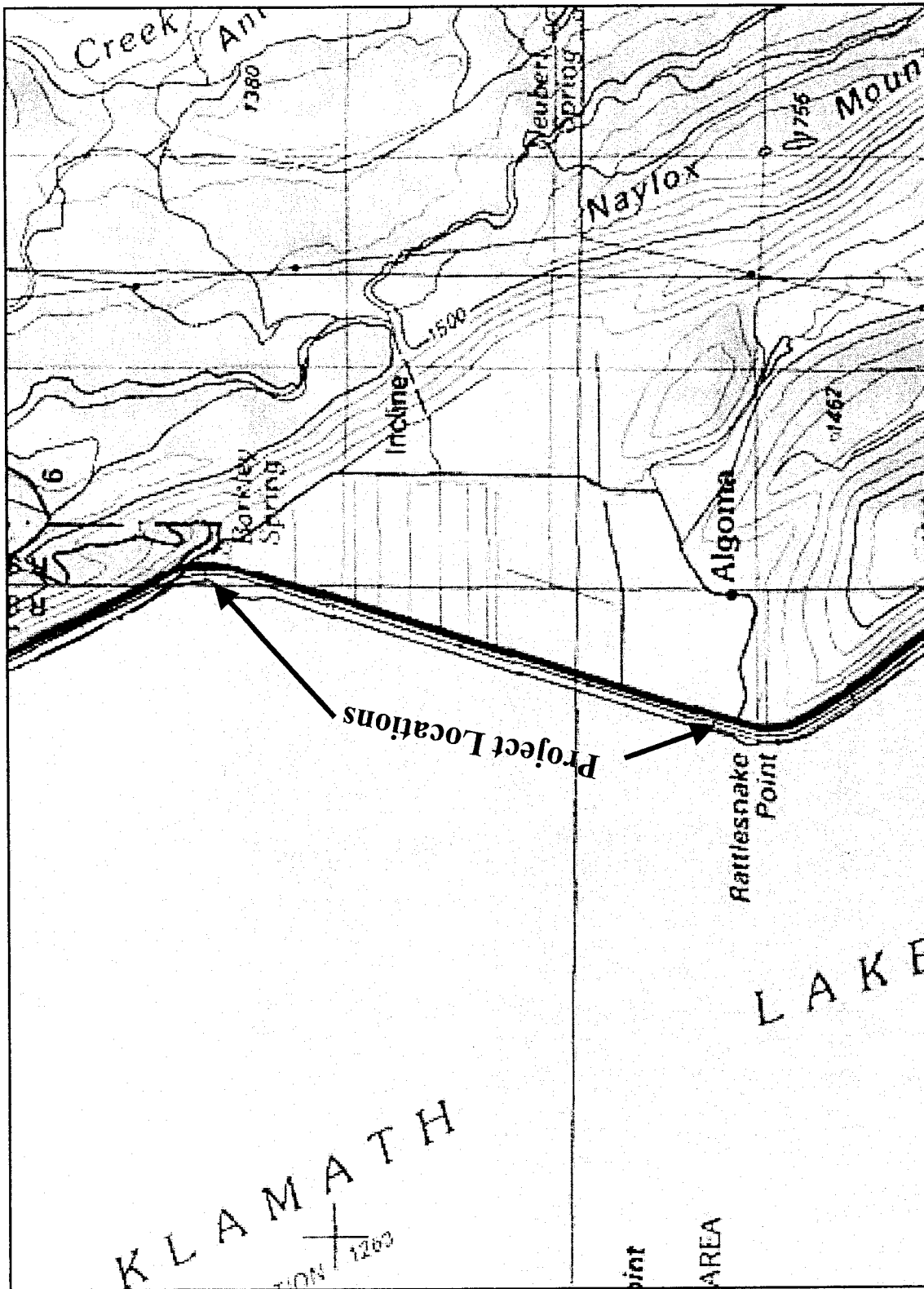
Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

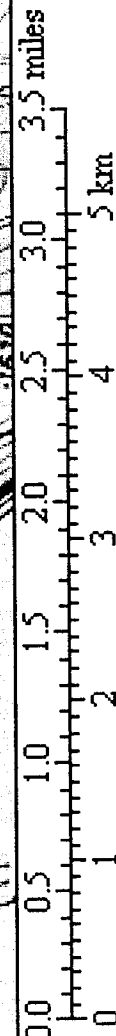
Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

Figure 1b





← N



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Figure 1

Algoma-Barkley Springs

Location Map

LEGEND

Date: May 18, 2004
Source: USGS Quad
EAT

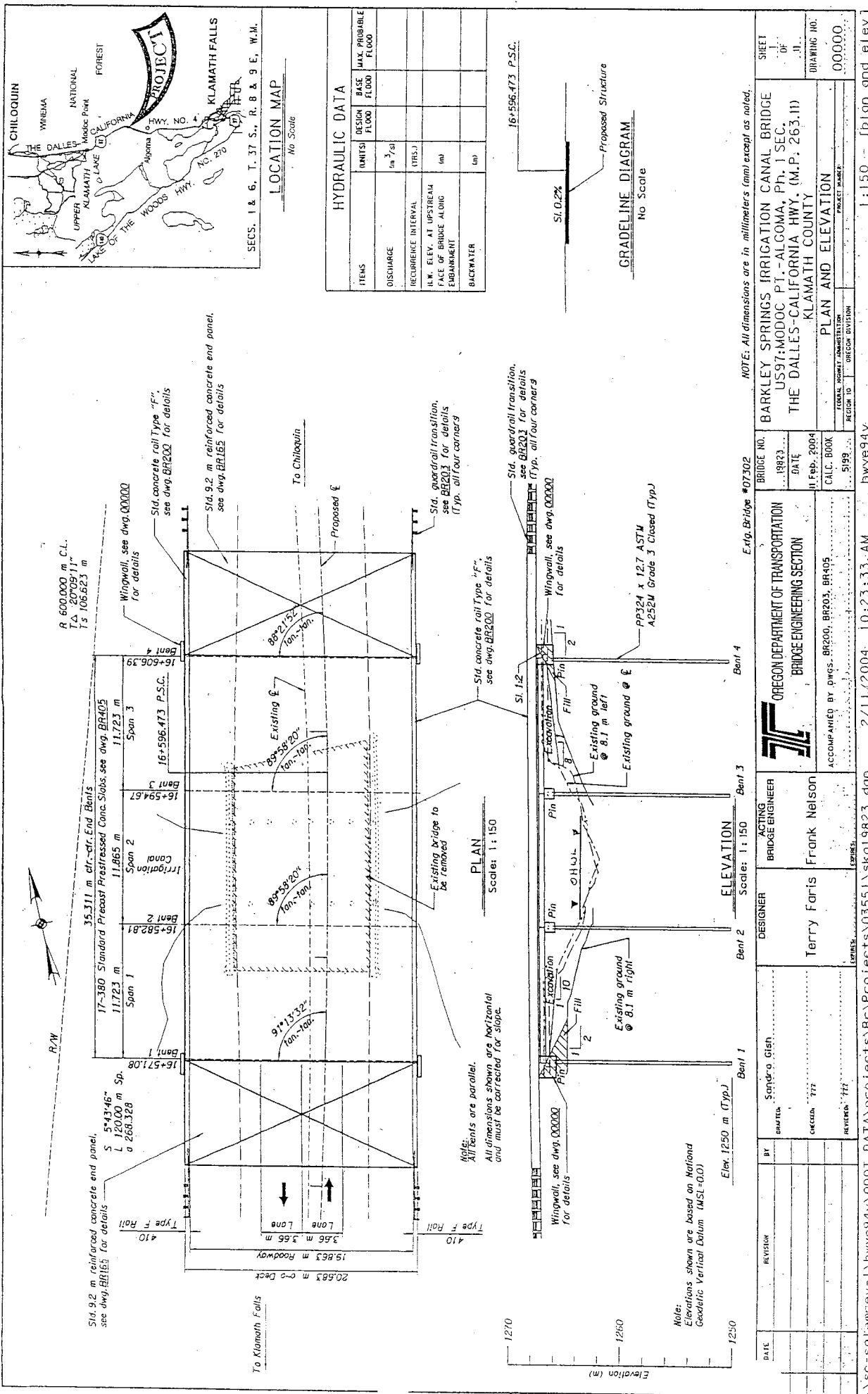
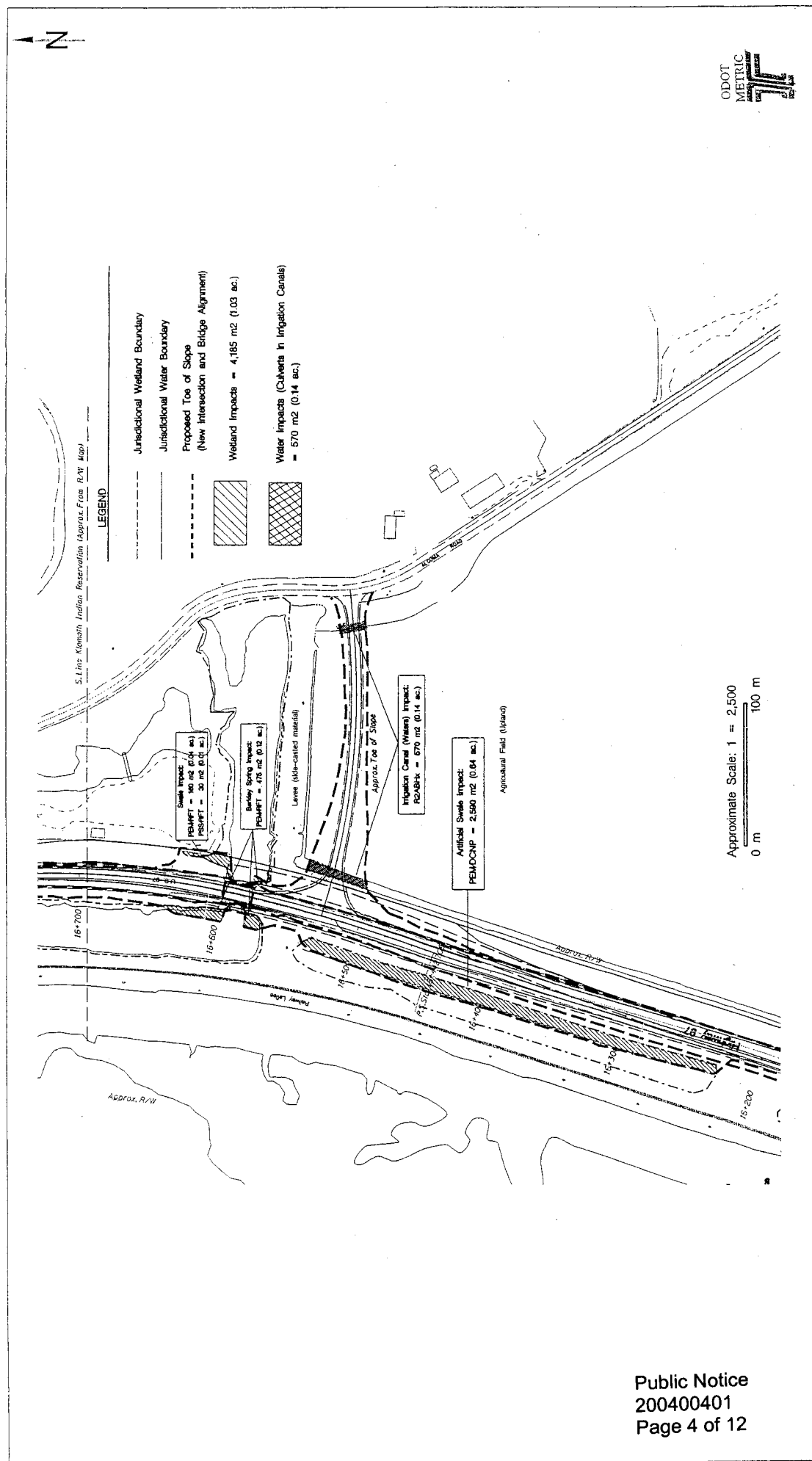


Figure 2



ADVANCE COPY
IN ACCORD TO CHAIRMAN'S
ORDER

* ① See Sht. 39, Note 1
Inst. 1200 mm Out. Pipe - 100m

② See Sht. 39, Note 4
Cover, Storage 100, 200

③ See Sht. 39, Note 2
Cover, Guardrail

④ See Sht. 39, Note 3
Cover, Guardrail

⑤ Sta. "H" 0+205
Inst. 1200 mm Out. Pipe - 44 m

* Culverts in irrigation
ditch.

All Dimensions Are Shown In Meters (m).
Unless Otherwise Noted.

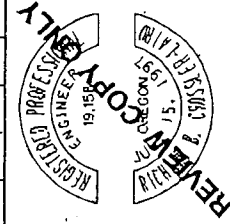
OREGON DEPARTMENT OF TRANSPORTATION
ROADWAY ENGINEERING SECTION

US971, SPRING CREEK HILL -
NORTH SHADY PINE RD. SEC.
THE DALLES-CALIFORNIA & CHILDOREN HWYS.
ALBANY, OREGON

Design Team Leader - Gene Corbett
Designed By - Althea Creaser-Land
Drafted By - Ian Nguyen

ALIGNMENT & GENERAL CONSTRUCTION
SHEET
39A

1:1000 - 4



Sec. 6, T. 37 S, R. 8 E, W.M.

Barkley Springs Br.

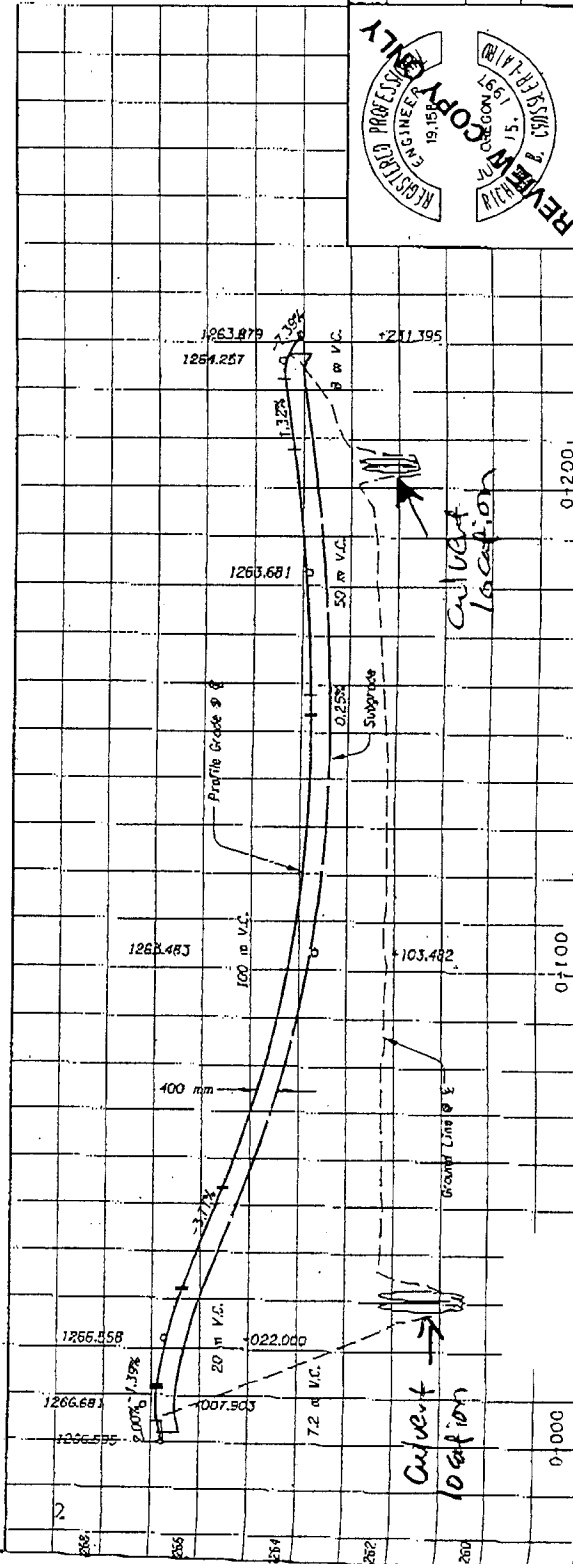
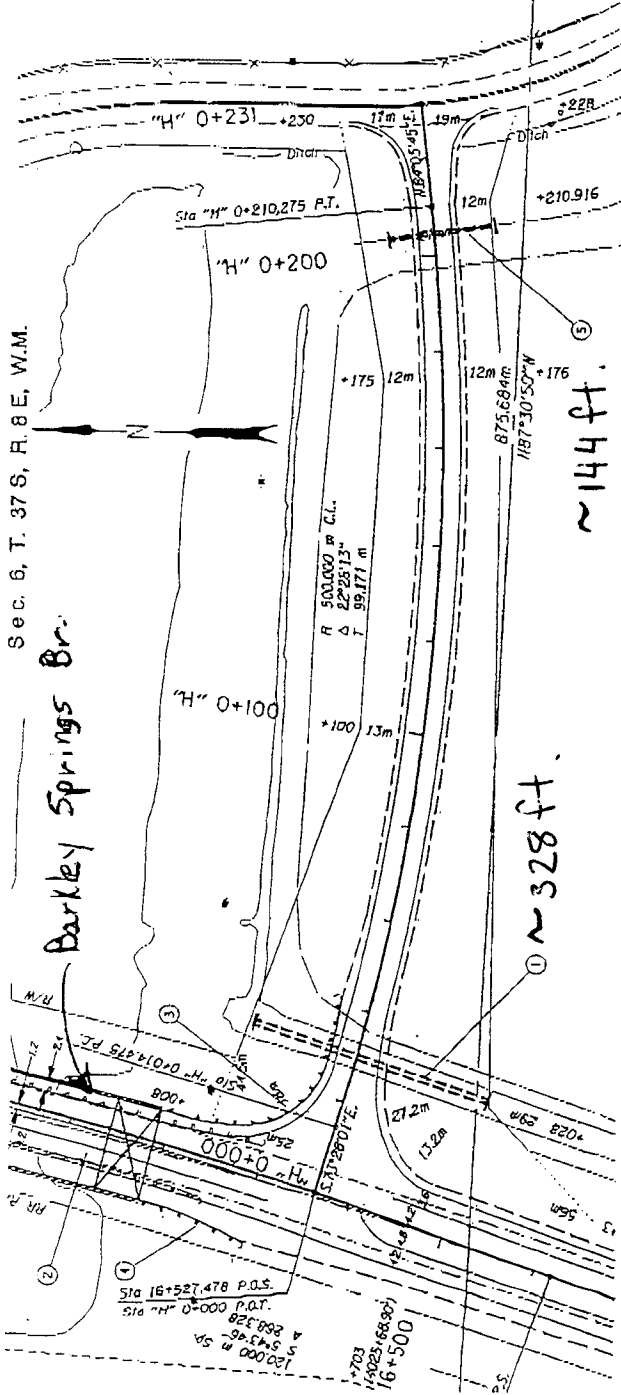
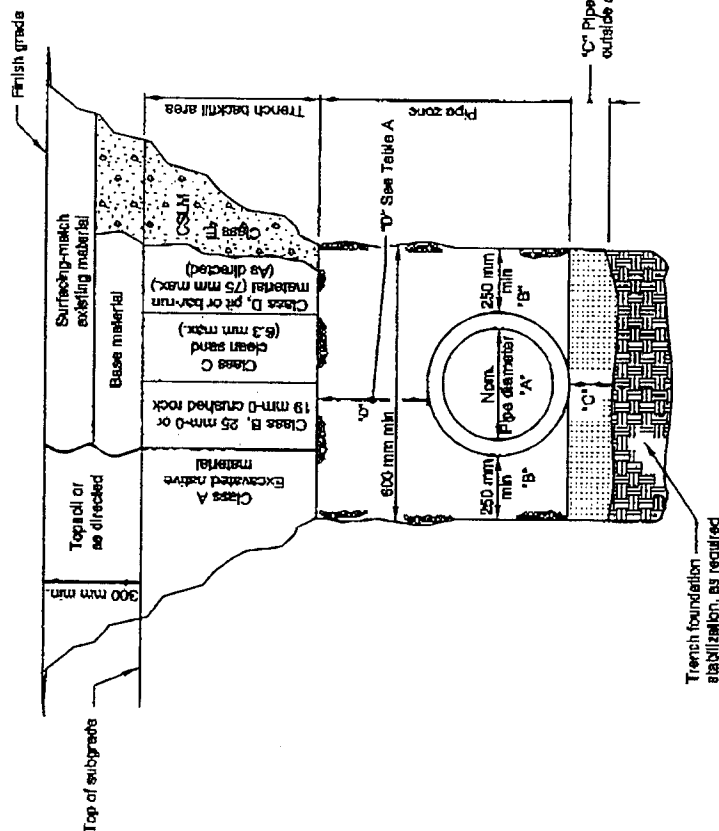


TABLE A

"A" (mm)	"B" (mm)	"C" (mm)	"D" (mm)
100	250	100	200
150	250	100	200
200	250	150	250
250	250	150	250
300	300	150	250
375	300	150	250
450	400	150	300
625	400	150	300
800	450	150	300
900	450	150	300
1050	600	150	350
1200	600	150	350
1350	600	150	350
1500	600	150	350
1650	600	150	350
1800	600	150	350



Note:

1. Surfacing of paved areas shall comply with latest civil standard drawing (RD302).
2. For pipes \geq 900 mm dia., when placed in an embankment, increase dimension "B" to actual diameter.

• All dimensions are in mm unless otherwise noted.

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and Practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications

OREGON STANDARD DRAWINGS TRENCH BACKFILL, BEDDING, PIPE ZONE AND MULTIPLE INSTALLATIONS

2002

DATE 14-02
REVISION
DESCRIPTION

MULTIPLE INSTALLATIONS (All Shapes)

Diameter	Min. Space Between Pipes
Up to 1200 mm	600 mm
1200 mm to 1800 mm	One Half (1/2) Dia. of Pipe
1800 mm to 4500 mm	900 mm

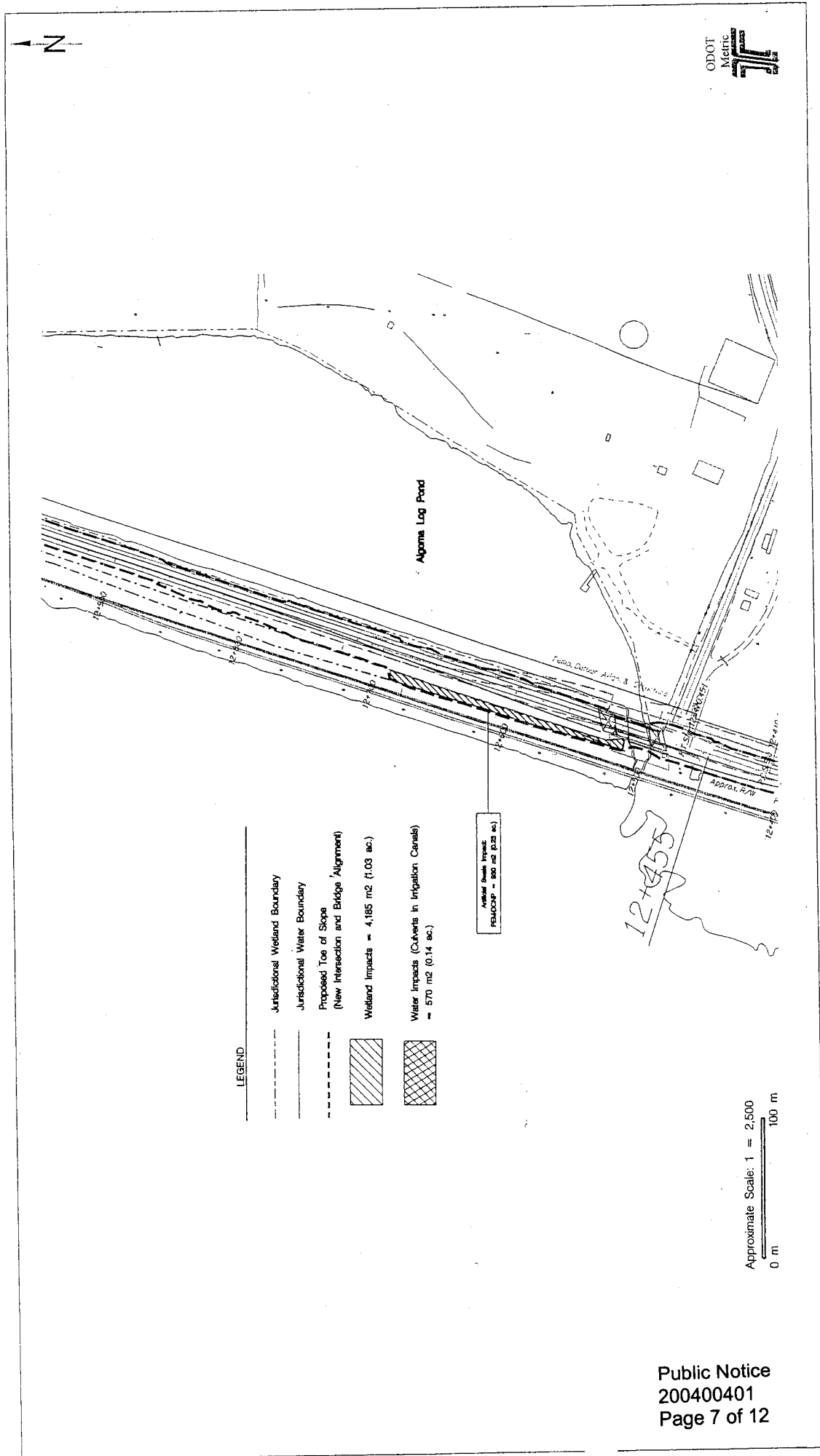


FIGURE 4 (Algoema Log Pond) Wetland Impacts

U.S. 97: Spring Creek Hill – North Shady Pine Road Section
The Dallas-California Highway (Hwy. 97), Klamath County, Oregon (source: adapted from ODOT Project Map, March 2003)

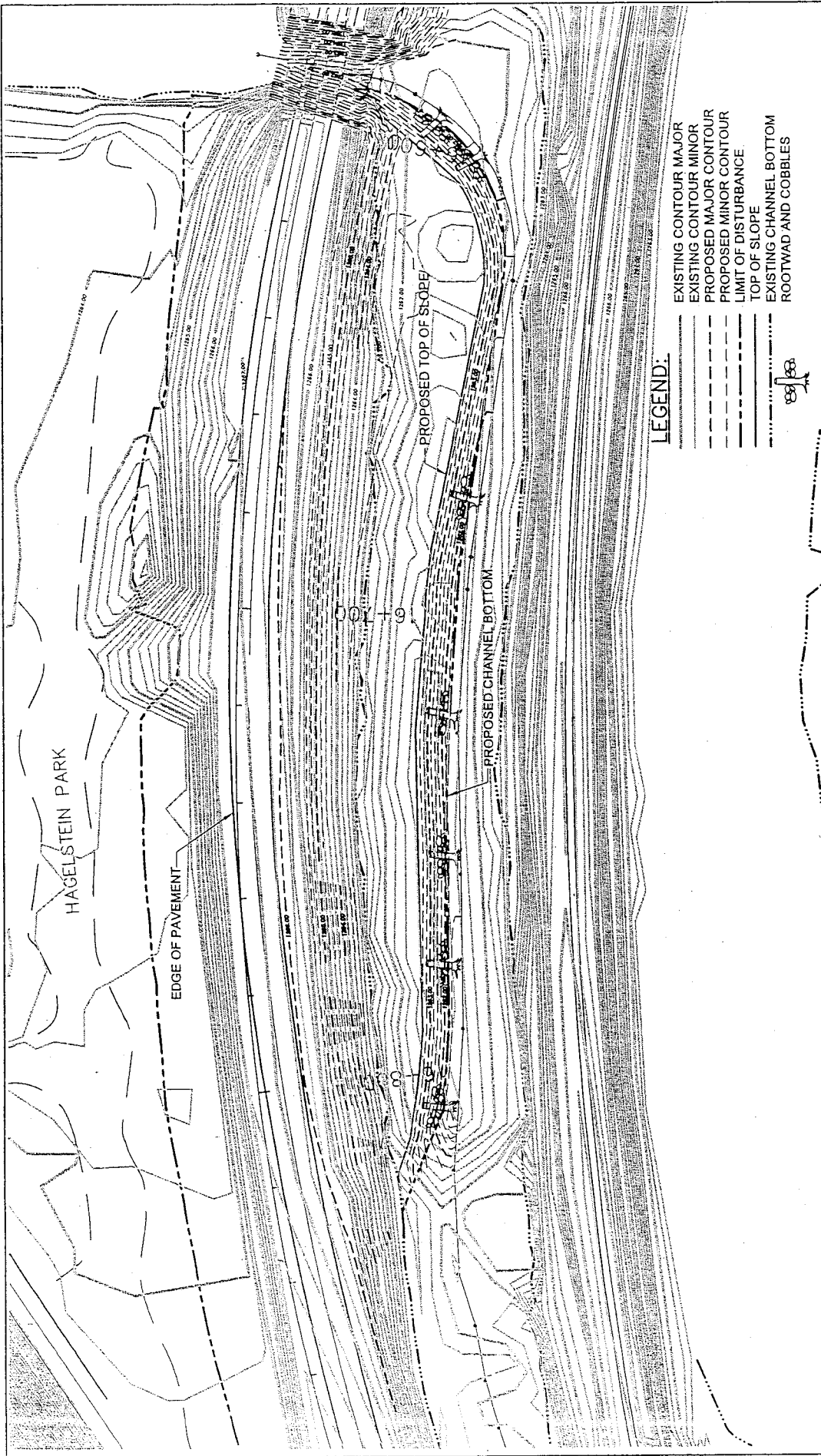


Figure 4.5
Grading Plan
 ODOT BARKLEY SPRINGS FISH ENHANCEMENT
 KLAMATH COUNTY, OREGON

Conceptual

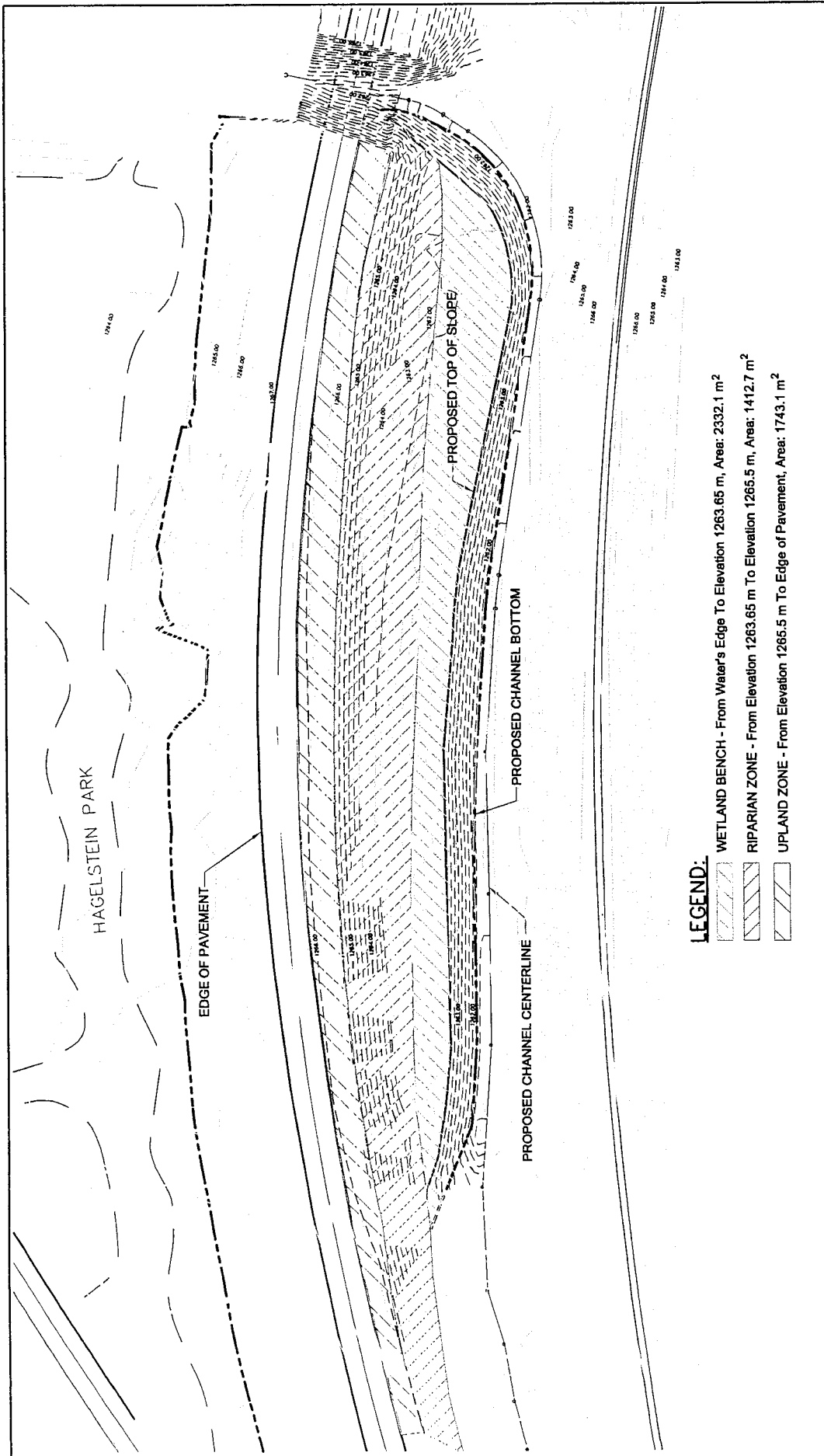


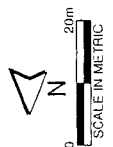
Figure 2.6
Planting Plan
 ODOT BARKLEY SPRINGS FISH ENHANCEMENT
 KLAMATH COUNTY, OREGON

Can capture

13.02

Parametrix DATE: 05/14

Public Notice
 200400401
 Page 9 of 12



Barkley Springs Channel Fish Enhancement Project Plant List

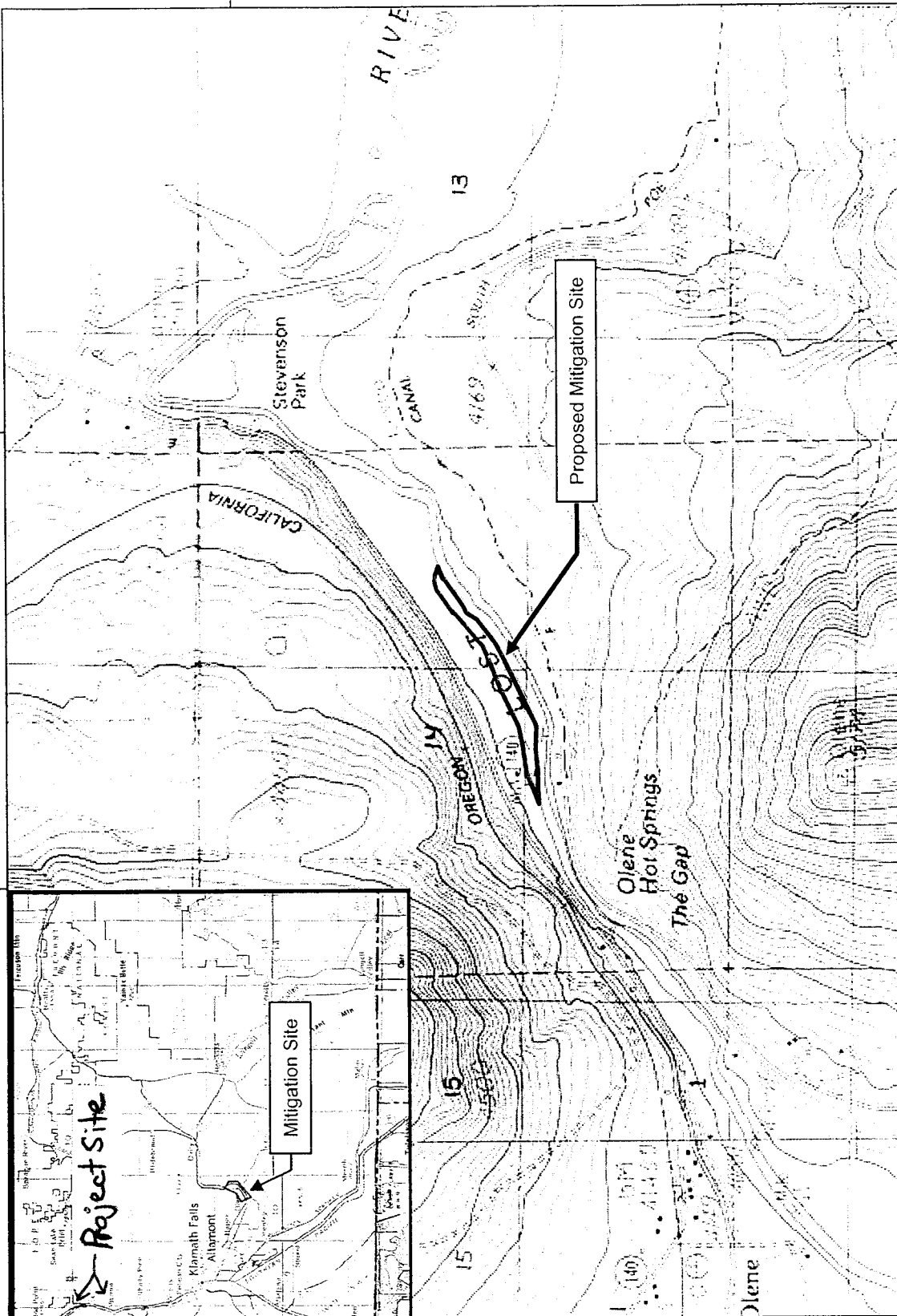
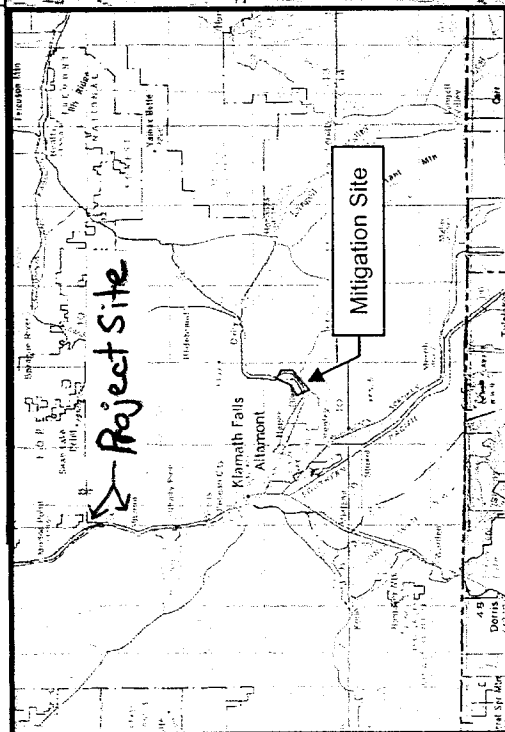
Botanical Name	Common Name	Grade Class	Size & Description	Spacing m. o.c.	Wetland Bench	Riparian Slope Zone	Riparian (top of slope) Zone	Upland Zone	Remarks
TREES									
<i>Populus tremuloides</i>	Quaking aspen	5-6' ht	Container	15				2	branched and rooted
<i>Acer negundo</i> var. <i>negundo</i>	box elder	4-5' ht	Container	10				5	branched and rooted
<i>Amelanchier alnifolia</i>	Serviceberry	4-5' ht	Container	10				5	branched and rooted
<i>Juniperus occidentalis</i>	Western juniper	3-4' ht	Container	15				8	branched and rooted
SHRUBS									
<i>Salix lasioandra</i>	Pacific willow	24-36" long	Cuttings	5	93	37			
<i>Rosa nutkana</i>	nootka rose	2-3' ht	Container	5	5	37			
<i>Sambucus racemosa</i>	red elderberry	3-4' ht	Container	4	4			30	
<i>Ribes inerme</i> (Kyd. var. <i>klamathense</i>)	Klamath gooseberry	2-3' ht	Container	4	4			30	
<i>Artemisia cana</i>	silver sagebrush	2-3' ht	Container	4	4			30	
<i>Artemisia tridentata</i>	low sagebrush	18-24" ht	Container	8	8			27	
<i>Artemisia tridentata</i>	big sagebrush	2-3' ht	Container	8	8			27	
<i>Purshia tridentata</i>	bitterbrush	2-3' ht	Container	8	8			27	
<i>Chrysothamnus viscidiflorus</i>	rabbitbrush	18-24" ht	Container	8	8			27	
HERBACEOUS PLANTS									
Mature bulrush transplants (<i>Scirpus</i> sp.)		2.5-3.5' diameter	cluster of mature stems and root mass with native soil	3.7	170				
Wetland Seeding									
<i>Hordeum brachyantherum</i>	meadow barley	Seeding Rate (g/ha)	Apply 1.33 kg/ha (1.19 lb/acre)		grams of seed				
		1,334.09			155.56				
Riparian Seeding									
<i>Bromus carinatus</i>	California brome	Seeding Rate (g/ha)	Apply 8.77 kg/ha (7.81 lb/acre) of mix		grams of seed				
<i>Elymus lanceolatus</i>	streambank wheatgrass	5,669.88			528.83				
<i>Agrostis exarata</i>	spike bentgrass	3,023.93			282.04				
		76.92			7.17				
ODOT Klamath Mtn Ecoregion Seed Mix (modified)									
		Seeding Rate (g/ha)	Apply 13.77 kg/ha (12.32 lb/acre) of mix					grams of seed	
<i>Festuca occidentalis</i>	Western Fescue	315.00						54.91	
<i>Festuca idahoensis</i>	Idaho Fescue	1,007.98						175.70	
<i>Agropyron spicatum</i>	bluebunch wheatgrass	436.00						76.00	
<i>Poa sandbergii</i>	Sandberg bluegrass	533.00						92.91	
<i>Sitanion hystrix</i>	squirrel-tail grass	2,370.00						413.11	
<i>Elymus glaucus</i>	wild blueeye	3,786.00						659.94	
<i>Bromus carinatus</i>	California brome	5,320.00						927.33	

Note: The wetland bench area is to be planted with mature bulrush transplants from Miller Island.

Figure 7
Conceptual

121°37'00" W

WGS84 121°36'00" W



121°37'00" W

WGS84 121°36'00" W

TN ★ / MIN
16 1/2°



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Oregon Department of Transportation

63034 O.B. Riley Road
Bend, Oregon 97701
Phone: (541) 388-6032 Fax: (541) 385-0476

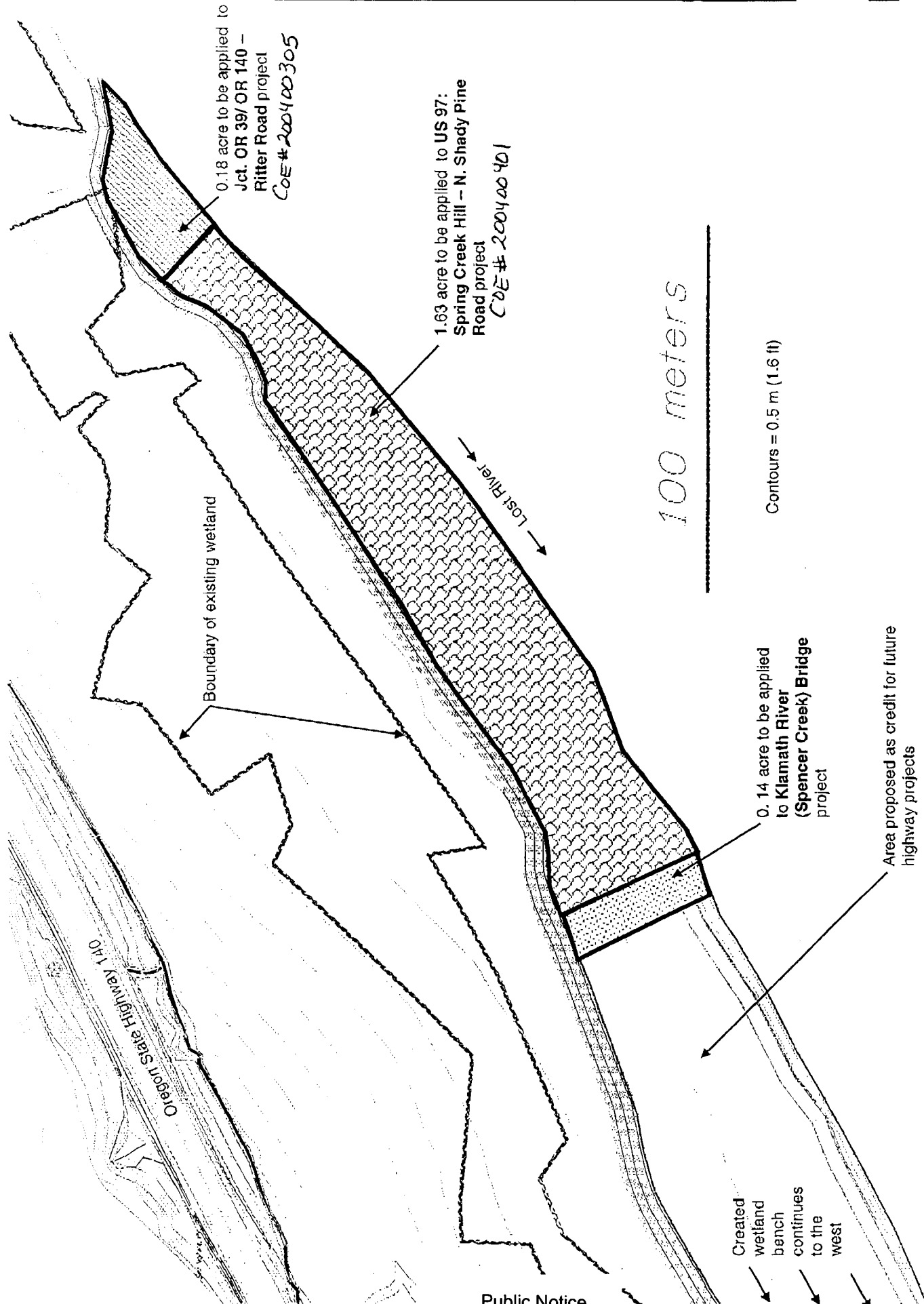
Figure 1

Lost River Mitigation Site

Site Vicinity Map



Date: 2001
Source: National Geographic TOPO!
EAX: PT00040.000/114



Date: April 2004
Source: ODELT Environmental
EPA #: PE000450011

Figure 8
Lost River Mitigation Site

Oregon Department of Transportation

63034 O.B. Riley Road
Bend, Oregon 97701
Phone: (541) 388-6032 Fax: (541) 385-0476

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400401
Oregon Division of State Lands Number: 32516-FP

Notice Issued: July 8, 2004
Written Comments Due: August 9, 2004

WHO IS THE APPLICANT: Oregon Department of Transportation

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.